



PATENT  
Attorney Docket No. 207596

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erickson et al.

Group Art Unit: Unassigned

Application No. 09/720,276

Examiner: Unassigned

Filed: December 21, 2000

For: FITNESS ASSAY AND  
ASSOCIATED METHODS

COPY

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ No fee is owed by the applicant(s).
- ☐ The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$ .
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Erickson et al.  
Application No. 09/720,276

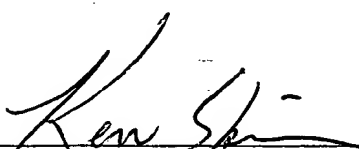
**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund

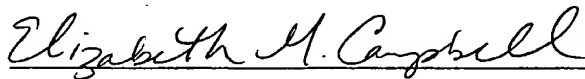
Date: March 23, 2001

  
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**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: 3/23/2001

  
\_\_\_\_\_  
Elizabeth M. Campbell

IDS (Rev. 2/1/2001)

FORM PTO-1449  
MODIFIEDU.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
207596APPLICATION NO.  
09/720,276INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(Use several sheets if necessary)

APPLICANT  
Erickson et al.FILING DATE  
December 21, 2000GROUP  
Unassigned

## U.S. PATENT DOCUMENTS

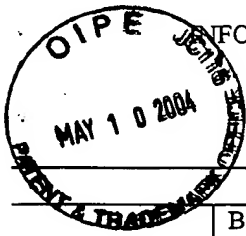
EXAMINER'S INITIALS		APPLICATION OR PATENT NUMBER	ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,766,842	06/16/1998	Heefner et al.			
	AB	5,753,660	05/19/1998	Sikorski et al.			
	AC	5,728,718	03/17/1998	Randad et al.			
	AD	5,723,490	03/03/1998	Tung			
	AE	5,705,500	01/06/1998	Getman et al.			
	AF	5,703,076	12/30/1997	Talley et al.			
	AG	5,502,060	3/26/1996	Thompson			
	AH	5,475,027	12/12/1995	Talley et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO**
	AI	WO 99/67417	12/29/1999	WIPO				
	AJ	WO 99/67254	12/29/1999	WIPO				
	AK	WO 99/65870	12/23/1999	WIPO				
	AL	WO 97/19055	05/29/1997	WIPO				
	AM	WO 96/28463	09/16/1996	WIPO				
	AN	WO 95/06030	03/02/1995	WIPO				
	AO	2,276,621	10/05/1994	UK				
	AP	WO 94/14793	07/07/1994	WIPO				
	AQ	WO 94/05639	03/17/1994	WIPO				
	AR	WO 94/04492	03/03/1994	WIPO				
	AS	WO 90/09191	08/23/1990	WIPO				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AT	Bone et al., <i>J. Am. Chem. Soc.</i> , 113, 9382 (1991)
AU	Borman et al., <i>J. Gen. Virology</i> , 77(3), 419-426 (March 1996)
AV	Erickson et al., <i>Science</i> , 249, 527-533 (1990)
AW	Ghosh et al., <i>Bioorganic &amp; Medicinal Chemistry Letters</i> , 8, 687-690 (March 1998)
AX	Ghosh et al., <i>J. Medicinal Chemistry</i> , 36(16), 2300-2310 (August 1993)
AY	Ghosh et al., <i>J. Medicinal Chemistry</i> , 36(2), 292-294 (January 1993)
AZ	Ghosh et al., <i>J. Medicinal Chemistry</i> , 37(16), 2506-2508 (August 1994)
BA	Ghosh et al., <i>J. Medicinal Chemistry</i> , 37, 1177-1188 (April 1994)
BB	Gulnik et al., <i>Biochemistry</i> , 34(29), 9282-9287 (July 1995)
BC	Ho et al., <i>J. Virology</i> , 68(3), 2016-2020 (March 1994)
BD	Huff, <i>J. Med. Chem.</i> , 34(8), 2305-2314 (August 1991)
BE	Kageyama et al., <i>Antimicrob Agents Chemother.</i> , 36, 926-933 (May 1992)
BF	Kaplan et al., <i>PNAS USA</i> , 91, 5597-5601 (1994)

FORM PTO-1449  
MODIFIEDU.S. DEPARTMENT OF COMMERCE  
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(Use several sheets if necessary)

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December 21, 2000GROUP  
Unassigned

BG	Kim et al., <i>J. Medicinal Chemistry</i> , 38(17), 1181-1182 (1995)
BH	Klabe et al., <i>Biochemistry</i> , 37(24), 8735-8742 (May 1998)
BI	Kramer et al., <i>Science</i> , 231, 1580-1584 (1996)
BJ	Lyle et al., <i>J. Med. Chem.</i> , 34(3), 1228-1230 (March 1991)
BK	Majer et al., <i>13<sup>th</sup> American Peptide Symposium</i> , Edmonton, Canada (1993)
BL	Martinez-Picado et al. <i>J. Virology</i> , 73(5), 3744-3752 (May 1999)
BM	McQuade et al., <i>Science</i> , 247, 454-456 (1990)
BN	Meek et al., <i>Nature</i> , 343(6253), 90-92 (January 1990)
BO	Meek, <i>J. Enzyme Inhibition</i> , 6(1), 65-98 (January 1992).
BP	Moore et al., <i>Perspect. Drug Dis. Design</i> , 1, 85-108 (1993)
BQ	Norbeck et al., <i>Ann. Reports Med. Chem.</i> , 26, 141-150 (1991)
BR	Otto et al., <i>PNAS USA</i> , 90, 7543-7547 (1993)
BS	Plattner et al., <i>Drug Discovery Technologies</i> , Clark et al., eds., Ellis Horwood, Chichester, England, 92-126 (1990)
BT	Rich et al., <i>J. Med. Chem.</i> , 33(5), 1285-1288 (May 1990)
BU	Roberts et al., <i>Science</i> , 248, 358-361 (1990)
BV	Tomasselli et al., <i>Int. J. Chem. Biotechnology</i> , 6, 6-27 (1991)
BW	Vacca et al., <i>J. Med. Chem.</i> , 34(3), 1225-1228 (March 1991)
BX	Vazquez et al., <i>J. Medicinal Chemistry</i> , 38(4), 581-584 (February 1995)
EXAMINER	DATE CONSIDERED

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(b).

An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(b).

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

**Mailed:** March 23, 2001  
**Attorney Docket No.** 207596-NIH  
**KPS/emc**

**In re Application:**  
**Erickson et al.**

**Information Disclosure Statement**

**U.S. Application No.** 09/720,276

**Filed:** December 21, 2000

**For:** FITNESS ASSAY AND ASSOCIATED METHODS

**Enclosed:** Information Disclosure Statement (4 pages in duplicate); Form PTO-1449 (2 pages); Copy of International Search Report (3 pages); Cited References (AA-BX); Return Postcard.

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

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**DNG**

**IC14 Rec'd PCT/PTO 26 MAR 2001**



**LH**